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September 26, 2008

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**RE: Section 64.2009(e) CPNI Certification Filing
Request for Waiver
EB Docket No. 06-36**

Dear Ms. Dortch:

Pro-Phone Communications, Inc. (Pro-Phone), by its attorneys, hereby submits its annual CPNI Certification for 2007, and a request for a waiver of section 64.2009(e) of the Commission's rules to the extent deemed necessary by the Commission.

For the reasons set forth in its response to the FCC's CPNI Inquiry dated September 5, 2008 (File No. EB-08-TC-5093), which is incorporated herein by reference, Pro-Phone hereby requests a waiver of Rule Section 64.2009(e) to permit the submission of the instant CPNI certification. Pro-Phone was no longer providing a telecommunications service at the time the certification fell due on March 3, 2008, and therefore did not believe that the certification requirement applied to the company. Moreover, the company's paging operations during 2007 did not generate usable CPNI, and the company did not use customer CPNI. For good cause shown, it is respectfully submitted that the public interest would be served by a grant of this request.

In other instances, the Commission has granted waivers to allow the late filing of required

documents when the public interest is served by allowing such filings. See, e.g., *In the matter of Forty-one Late-Filed Applications for Renewal of Educational Broadcast Service Stations*, DA 07-205, 22 FCC Rcd 879, (2007); *Junior College District of Metropolitan Kansas City, Missouri*, DA 06-2381, 21 FCC Rcd 13770 (WTB 2006); *City Page & Cellular Services, Inc. d/b/a City Beepers*, DA 02-3558, 17 FCC Rcd 26109 (WTB 2002) (Long form application deadline waived because applicants were unaware of deadline); *NPCR, Inc., Petition for Waiver of Rule Section 54.8026*, DA 07-110, 22 FCC Rcd 560, (WCB 2007) (ETC Certification report deadline waived).

If you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Prendergast", written in a cursive style.

John A. Prendergast
Attorney for Pro-Phone
Communications, Inc.

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Annual 47 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2007

Date of execution: September 26, 2008

Name of Company covered by this certification: Pro-Phone Communications, Inc.

Form 499 Filer ID: 815196

Name of Officer signing: Jack H. Ford

Title of Officer signing: President

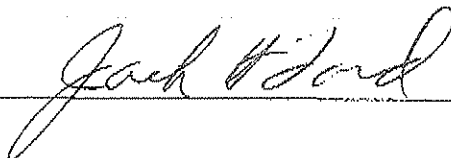
I, Jack H. Ford, certify that I am an officer of the Company named above, and acting as an agent of the Company, that I have personal knowledge that the Company established operating procedures in 2007 that were adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification as Exhibit 1 is an accompanying statement explaining how the Company's procedures ensured that the Company was in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules during 2007. The Company ceased provision of telecommunications services by the end of 2007.

The Company did not take any actions (proceedings instituted or petitions filed by a company at either state commission, the court system, or at the Commission against data brokers) during 2007 against data brokers.

The Company did not receive any customer complaints during 2007 concerning the unauthorized release of CPNI.

Signed



cc: Telecommunications Consumers Division, Enforcement Bureau
Best Copy and Printing, Inc.

Pro-Phone Communications, Inc.

**STATEMENT EXPLAINING HOW THE COMPANY'S OPERATING
PROCEDURES ENSURED COMPLIANCE WITH THE FCC'S CPNI RULES**

All information provided below is restricted to operations during 2007, as the Company is no longer a telecommunications service provider. The Company filed its original CPNI policy with the Commission in 2006.

I. Customer Proprietary Network Information ("CPNI")

CPNI is defined in Section 222(f) of the Communications Act as (A) information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier (except that CPNI does not include subscriber list information).

Generally, CPNI includes personal information regarding a consumer's use of his or her telecommunications services. CPNI encompasses information such as: (a) the telephone numbers called by a consumer; (b) the telephone numbers calling a customer; (c) the time, location and duration of a consumer's outbound and inbound phone calls, and (d) the telecommunications and information services purchased by a consumer.

Call detail information (also known as "call records") is a category of CPNI that is particularly sensitive from a privacy standpoint and that is sought by pretexters, hackers and other unauthorized entities for illegitimate purposes. Call detail includes any information that pertains to the transmission of a specific telephone call, including the number called (for outbound calls), the number from which the call was placed (for inbound calls), and the date, time, location and/or duration of the call (for all calls).

II. Use and Disclosure of CPNI Is Restricted

The Company recognizes that CPNI includes information that is personal and individually identifiable, and that privacy concerns have led Congress and the FCC to impose restrictions upon its use and disclosure, and upon the provision of access to it by individuals or entities inside and outside the Company.

The Company has designated a CPNI Compliance Officer who is responsible for: (1) communicating with the Company's attorneys and/or consultants regarding CPNI

responsibilities, requirements and restrictions; (2) supervising the training of Company employees and agents who use or have access to CPNI; (3) supervising the use, disclosure, distribution or access to the Company's CPNI by independent contractors and joint venture partners; (4) maintaining records regarding the use of CPNI in marketing campaigns; and (5) receiving, reviewing and resolving questions or issues regarding use, disclosure, distribution or provision of access to CPNI.

Company employees and agents that may deal with CPNI have been informed that they are not to use CPNI for cross-marketing or any other purpose not expressly approved by the President and CPNI Compliance Officer of the Company.

An agent or independent contractor is not allowed to access or use the Company's CPNI, except for the purpose for which the CPNI has been provided. Agents and independent contractors are not allowed to disclose or distribute the CPNI to, or allow access to the CPNI by, any other party (unless the agent, or independent contractor is expressly and specifically required to do so by a court order).

III. Protection of CPNI

1. The Company may, after receiving an appropriate request from a customer in person at Company's offices, disclose or provide the customer's CPNI to the customer by sending it to the customer's address or record. The Company will disclose CPNI upon affirmative request by the customer to any person designated by the customer in person.
2. The Company will provide a customer's phone records or other CPNI to a law enforcement agency in accordance with applicable legal requirements.
3. The Company does not use customer passwords and "shared secret" question-answer combinations since information can only be requested in person, and subject to verification of identity.
4. Company employees do not accept telephone requests for CPNI.
5. The Company has adopted a policy that it does not and will not use, disclose or permit access to CPNI by an affiliate.
6. Since December 8, 2007, the Company discloses or releases call detail information to customers only upon in person request.
7. The Company has adopted a policy that it does not and will not use, disclose, or permit access to CPNI in connection with Company-initiated marketing of services to

which a customer does not already subscribe from the Company (out-bound marketing).

8. The Company's employees and billing agents may use CPNI to initiate, render, bill and collect for telecommunications services. The Company may obtain information from new or existing customers that may constitute CPNI as part of applications or requests for new, additional or modified services, and its employees and agents may use such customer information (without further customer approval) to initiate and provide the services. Likewise, the Company's employees and billing agents may use customer service and calling records (without customer approval): (a) to bill customers for services rendered to them; (b) to investigate and resolve disputes with customers regarding their bills; and (c) to pursue legal, arbitration, or other processes to collect late or unpaid bills from customers.

9. Paper files containing CPNI are kept in secure areas, and may not be used, removed, or copied in an unauthorized manner.

10. Since December 8, 2007, the Company will provide customers with access to CPNI at its retail locations if the customer presents a valid photo ID and the valid photo ID matches the name on the account.

11. Since December 8, 2007, the Company takes reasonable measures to protect against pretexting activity, by providing CPNI only to persons who appear personally at the Company's offices with proof of identity that they are the customer in question.

IV. CPNI Compliance Officer

In addition to the specific matters required to be reviewed and approved by the Company's CPNI Compliance Officer, employees and agents, independent contractors and joint venture partners are strongly encouraged to bring any and all other questions, issues or uncertainties regarding the use, disclosure, or access to CPNI to the attention of the Company's CPNI Compliance Officer for appropriate investigation, review and guidance. The extent to which a particular employee or agent brought a CPNI matter to the attention of the CPNI Compliance Officer and received appropriate guidance is a material consideration in any disciplinary action brought against the employee or agent for impermissible use, disclosure or access to CPNI.

V. Disciplinary Procedures

The Company has informed its employees and agents, independent contractors and joint venture partners that it considers compliance with the Communications Act and FCC Rules regarding the use, disclosure, and access to CPNI to be very important.

Violation by Company employees or agents of such CPNI requirements will lead to disciplinary action (including remedial training, reprimands, unfavorable performance reviews, probation, and termination), depending upon the circumstances of the violation (including the severity of the violation, whether the violation was a first time or repeat violation, whether appropriate guidance was sought or received from the CPNI Compliance Officer, and the extent to which the violation was or was not deliberate or malicious).

Violation by Company independent contractors or joint venture partners of such CPNI requirements will lead to prompt disciplinary action (up to and including remedial training and termination of the contract).